

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

RECEIVED

JAN 27 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re Applications of) MM Docket No. 93-265
PINE TREE MEDIA, INC.) File No. BR-900817UF
For Renewal of License of Station)
KARW(AM), Longview, Texas)

To: Administrative Law Judge
John M. Frysiak

DOCKET FILE COPY ORIGINAL

MASS MEDIA BUREAU'S MOTION TO ENLARGE ISSUES

1. The Mass Media Bureau, pursuant to § 1.229 of the Commission's Rules, hereby requests the Presiding Judge to enlarge the scope of the hearing in this proceeding by adding the following issues against Pine Tree Media, Inc. ("Pine Tree"), licensee of Station KARW(AM), Longview, Texas:

- (a) To determine whether Pine Tree has the capability and intent to expeditiously resume broadcast operations of KARW(AM) consistent with the Commission's Rules.
- (b) To determine whether Pine Tree has violated § 73.1740 and/or § 73.1750 of the Commission Rules.
- (c) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether Pine Tree is qualified to be and remain the licensee of Station KARW(AM).

2. In support of the addition of these issues, the Bureau submits that, within the last two weeks, it has learned that KARW(AM) is -- and has been for several *months* -- off the air without notice to or permission from the Commission. Furthermore, during the lengthy period of time that the station has been silent, there has been a total failure by Pine Tree to

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maintain proper illumination of the station's antenna tower.

3. Attached hereto as Exhibit 1 is a letter from B.M. Birdsong, Area Manager for Southwestern Electric Power Company ("SWEPCO") in Longview, Texas. Mr. Birdsong states that on November 18, 1994, SWEPCO terminated electric service to KARW(AM) because of nonpayment of the station's electric bills. The termination of electric service to KARW(AM) caused the station to go off the air. Both the station and the obstruction lights on the KARW(AM) tower have remained continuously dark since electric power was terminated last Autumn. Additionally, a review of the Commission's files has not revealed any correspondence from Pine Tree or KARW(AM) notifying the Commission that the station is silent or requesting permission to remain dark. See Exhibit 2, ¶ 1.

4. Section 73.1740(a)(4) provides:

In the event that causes beyond the control of a licensee make it impossible to adhere to the operating schedule of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 30 days without further authority from the FCC. Notification must be sent to the FCC in Washington, D.C. not later than the 10th day of limited or discontinued operation. During such period, the licensee shall continue to adhere to the requirements in the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30 day period, the licensee will so notify the FCC of this date. If the causes beyond the control of the licensee make it impossible to comply within the allowed period, informal written request shall be made to the FCC no later than the 30th day for such additional time as may be deemed necessary.

5. Section 73.1750 provides:

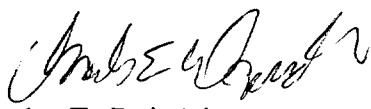
The licensee of each station shall notify the FCC in Washington, DC of

permanent discontinuation of operation at least two days before operation is discontinued. Immediately after discontinuance of operation, the licensee shall forward the station license and other instruments of authorization to the FCC, Washington, DC for cancellation.


6. Based on the foregoing, a substantial and material question of fact exists as to whether Pine Tree has violated the aforementioned Commission rules. Good cause exists for adding the requested issues inasmuch as they involve matters going to the basic qualifications of Pine Tree and they are of decisional significance and substantial public importance.

7. Accordingly, the Presiding Judge should add the requested issues against Pine Tree.

Respectfully submitted,
Roy Stewart
Chief, Mass Media Bureau



Charles E. Dziedzic
Chief, Hearing Branch



Robert A. Zauner
Gary Schonman
Attorneys
Mass Media Bureau

Federal Communications Commission
2025 M Street, N.W., Suite 7212
Washington, D.C. 20554
(202) 632-6402

January 27, 1995

Exhibit 1



Southwestern Electric Power Company

A Member of the Central and South West System

January 26, 1995

Gary P. Schonman
Federal Communications Commission
Mass Media Bureau
Enforcement Division - Hearing Branch
2025 M Street NW
Suite 7212
Washington, D.C. 20554

Ref: KARW Radio

Dear Mr. Schonman:

The above referenced account in the name of KARW, located at 2929 Signal Hill Drive, was disconnected for non-payment on November 18, 1994. This account remains disconnected today.

Sincerely,

A handwritten signature in cursive script that reads "B.M. Birdsong".

B.M. Birdsong
Area Manager

xc: John Ward
Keith Honey

Exhibit 2

BOB LAUNER

RM. 7212

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

JAN 20 1995

In Reply Refer To:
Stop Code 1800B2
8910-SML

Pine Tree Media, Inc.
P.O. Box 7100
Longview, Texas 75607

In re: KARW (AM)
Longview, Texas

Dear Sir or Madame:

This is in reference to a recent inquiry, regarding the authority for the above-referenced radio station to be off the air. Commission records do not indicate that this station has requested FCC permission to remain off the air for any period of time.

Section 73.1740(a)(4) of the Commission's Rules states that:

[in] the event that causes beyond the control of a licensee make it impossible to adhere to the operating schedule of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 30 days without further authority from the FCC. Notification must be sent to the FCC in Washington, D.C. not later than the 10th day of limited or discontinued operation. During such period, the licensee shall continue to adhere to the requirements in the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30 day period, the licensee will so notify the FCC of this date. If the causes beyond the control of the licensee make it impossible to comply within the allowed period, informal written request shall be made to the FCC no later than the 30th day for such additional time as may be deemed necessary.

Further, the licensee must demonstrate in the request that all steps to resume normal operation are being undertaken in an expeditious and timely fashion.

On December 11, 1991, the Commission adopted a Report and Order (copy attached) which amended Part I of the Commission's Rules, to implement Section 5301 of the Anti Drug Abuse Act of 1988. Pursuant to the Report and Order, applicants requesting Special Temporary Authority to remain silent, are required to certify that neither the applicant nor any party to the request is subject to a denial of Federal benefits under Section 5301.

Accordingly, you are requested to verify that this station is currently operating under the specifications of the station's license. If temporary authority is necessary, your attention is directed to the provisions of Section 73.1740(a)(4). If you do not intend to return the station to the air, you should surrender the license for cancellation. You are advised that failure to file the requested information within 30 days from the date of this letter will result in appropriate action by the Commission to terminate your authority to continue as a licensee.

Sincerely,

Sharlene M. Lofty

for James R. Burtle
Chief, AM Branch
Audio Services Division
Mass Media Bureau

Attachments

8910-SML
KARW(AM)

ANTI-DRUG ABUSE ACT CERTIFICATION

The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862a, or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. § 1.2002(b).

[] Yes

[] No

° Name of Applicant	° Signature	°
°	°	°
°	°	°
°Date	° Title	°
°	°	°
°	°	°

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certifies that she has on this 27th day of January 1995 sent by regular United States mail, U.S. Government frank, copies of the foregoing "Mass Media Bureau's Motion to Enlarge Issues" to:

Janet Washington
Praise Media, Inc.
601 Jennings Street
Center, Texas 75935

Radio Station KARW(AM)
Pine Tree Media, Inc.
P.O. Box 7100
Longview, TX 75607

Radio Station KARW(AM)
2929 Signal Hill Drive
Longview, Texas 75607


Michelle C. Mebane